

AMENDED IN SENATE JUNE 29, 2009

AMENDED IN SENATE APRIL 30, 2009

AMENDED IN SENATE APRIL 22, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 460

Introduced by Senator Wolk

(Principal coauthor: ~~Assembly Member Yamada~~)

February 26, 2009

~~An act to add Part 2.11 (commencing with Section 10920) to Division 6 of the Water Code, relating to water conservation. An act to amend Section 53091 of the Government Code, to amend Section 25107 of, and to add Section 25502.1 to, the Public Resources Code, and to repeal Section 12808.5 of the Public Utilities Code, relating to energy.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Wolk. ~~Water management plans. Energy: transmission lines.~~

(1) Existing law requires any person proposing to construct an electric transmission line to obtain a certification from the State Energy Resources Conservation and Development Commission. Existing law defines "electric transmission line" as an electric powerline carrying electric power from a thermal powerplant to a point of junction with an interconnected transmission system.

This bill would additionally define "electric transmission line" to include a high-voltage transmission line proposed to be built by a local publicly owned electric utility. The bill would require a local publicly

owned electric utility proposing to construct an electric transmission line to certify to the commission that it has undertaken a specified action.

(2) Existing law requires a municipal utility district to undertake specified actions before the district may locate or construct a line for the transmission or distribution of electric energy.

This bill would repeal this requirement and would make a conforming change.

~~The Urban Water Management Planning Act requires each urban water supplier to prepare and implement a water management plan for the efficient use of available water supplies. The Agricultural Water Management Planning Act requires, until 1993 except as otherwise provided, every agricultural water supplier serving water directly to customers to prepare an informational report based on information from the last 3 irrigation seasons on its water management and conservation practices.~~

~~This bill would require urban water suppliers to include additional information in their reports, including for each plan a detailed description and analysis of a long-term plan to reduce water use. The bill would require agricultural water suppliers to prepare and adopt a specified agricultural water management plan.~~

~~The bill would require that the water suppliers submit their reports to an unspecified entity. The bill would provide that a water supplier that does not prepare, adopt, and submit its plan in accordance with the bill's requirements is ineligible to receive specified funds. The bill would create the unspecified entity and require it to develop an open and transparent process for the collection and analysis of the data submitted to it by the water suppliers, create and maintain a statewide database on water use, conservation, and water use efficiency, and provide recommendations for improvements to water suppliers' plans to meet a statewide goal. The bill would also require the unspecified entity to submit an annual report to the Legislature.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 *SECTION 1. Section 53091 of the Government Code is*
2 *amended to read:*

1 53091. (a) Each local agency shall comply with all applicable
2 building ordinances and zoning ordinances of the county or city
3 in which the territory of the local agency is situated.

4 (b) On projects for which state school building aid is requested
5 by a local agency for construction of school facilities, the county
6 or city planning commission in which the local agency is located
7 shall consider in its review for approval information relating to
8 attendance area enrollment, adequacy of the site upon which the
9 construction is proposed, safety features of the site and proposed
10 construction, and present and future land utilization, and report
11 thereon to the State Allocation Board. If the local agency is situated
12 in more than one city or county or partly in a city and partly in a
13 county, the local agency shall comply with the ordinances of each
14 county or city with respect to the territory of the local agency that
15 is situated in the particular county or city, and the ordinances of a
16 county or city shall not be applied to any portion of the territory
17 of the local agency that is situated outside the boundaries of the
18 county or city. Notwithstanding the preceding provisions of this
19 section, this section does not require a school district or the state
20 when acting under the State Contract Act (Article 1 (commencing
21 with Section 10100) of Chapter 1 of Part 2 of Division 2 of the
22 Public Contract Code) to comply with the building ordinances of
23 a county or city.

24 (c) Each local agency required to comply with building
25 ordinances and zoning ordinances pursuant to this section and each
26 school district whose school buildings are inspected by a county
27 or city pursuant to Section 53092 shall be subject to the applicable
28 ordinances of a county or city requiring the payment of fees, but
29 the amount of those fees charged to a local agency or school district
30 shall not exceed the amount charged under the ordinance to
31 nongovernmental agencies for the same services or permits.

32 (d) Building ordinances of a county or city shall not apply to
33 the location or construction of facilities for the production,
34 generation, storage, treatment, or transmission of water,
35 wastewater, or electrical energy by a local agency.

36 (e) Zoning ordinances of a county or city shall not apply to the
37 location or construction of facilities for the production, generation,
38 storage, treatment, or transmission of water, or for the production
39 or generation of electrical energy, ~~facilities that are subject to~~
40 ~~Section 12808.5 of the Public Utilities Code,~~ or electrical

1 substations in an electrical transmission system that receives
2 electricity at less than 100,000 volts. Zoning ordinances of a county
3 or city shall apply to the location or construction of facilities for
4 the storage or transmission of electrical energy by a local agency,
5 if the zoning ordinances make provision for those facilities.

6 *SEC. 2. Section 25107 of the Public Resources Code is*
7 *amended to read:*

8 25107. “Electric transmission line” means ~~any~~ *either of the*
9 *following:*

10 (a) *An electric powerline carrying electric power from a thermal*
11 *powerplant located within the state to a point of junction with*~~any~~
12 *an interconnected transmission system. “Electric transmission*
13 *line” does not include*~~any~~*a replacement on the existing site of*
14 *existing electric powerlines with electric powerlines equivalent to*
15 ~~such~~ *those existing electric powerlines or the placement of new*
16 *or additional conductors, insulators, or accessories related to*~~such~~
17 *those electric powerlines on supporting structures in existence on*
18 *the effective date of this division or certified pursuant to this*
19 *division.*

20 (b) *A high-voltage electric transmission line proposed to be*
21 *built by a local publicly owned electric utility, as defined in Section*
22 *224.3 of the Public Utilities Code. For the purposes of this*
23 *subdivision, a “high-voltage” transmission line is an electric*
24 *powerline with a rating of 250 kilovolts or higher.*

25 *SEC. 3. Section 25502.1 is added to the Public Resources Code,*
26 *to read:*

27 25502.1. *A local publicly owned electric utility that proposes*
28 *to construct an electric transmission line, as defined in subdivision*
29 *(b) of Section 25107, shall certify to the commission as part of its*
30 *application that it has participated in a joint transmission planning*
31 *process conducted by the Independent System Operator.*

32 *SEC. 4. Section 12808.5 of the Public Utilities Code is*
33 *repealed.*

34 ~~12808.5. (a) Notwithstanding Sections 53091 and 65402 of~~
35 ~~the Government Code, Section 12808 of the Public Utilities Code~~
36 ~~and Section 1469 of the Streets and Highways Code or any other~~
37 ~~provision of law, no district may locate or construct, any lines, for~~
38 ~~the transmission or distribution of electrical energy, including~~
39 ~~poles and other accessory structures, unless such facilities are~~
40 ~~approved pursuant to this section.~~

1 ~~(b) The district shall hold a public hearing on proposed facilities~~
2 ~~which are subject to this section.~~

3 ~~(1) Mailed notice of the public hearing shall be provided at least~~
4 ~~10 days prior to the hearing, to the owners of all property within~~
5 ~~300 feet of the route along which such facilities are proposed to~~
6 ~~be located.~~

7 ~~(2) If mailed notice as required in paragraph (1) above would~~
8 ~~result in notice to more than 250 persons, as an alternative to such~~
9 ~~mailed notice, notice may be given by placing a display~~
10 ~~advertisement of at least one-fourth page in a newspaper of general~~
11 ~~circulation within the area affected by the proposed facility.~~

12 ~~(c) After holding a hearing as provided in subdivision (b), the~~
13 ~~district shall submit any proposed facilities to the legislative body~~
14 ~~of each local agency in which such facilities are to be located. The~~
15 ~~legislative bodies shall conduct a public hearing, receive evidence,~~
16 ~~and, within 60 days, adopt a resolution approving, approving an~~
17 ~~alternative, or disapproving, the proposed facilities.~~

18 ~~Any resolution adopted pursuant to this subdivision shall contain~~
19 ~~findings concerning:~~

20 ~~(1) The consistency of the proposed facilities with the local~~
21 ~~agency's general plan and applicable redevelopment and specific~~
22 ~~plans.~~

23 ~~(2) Whether there are feasible alternatives to the proposal.~~

24 ~~(3) Such other factors related to the public health, safety and~~
25 ~~welfare as are included within the ordinance adopted by the local~~
26 ~~agency pursuant to subdivision (c) of this section.~~

27 ~~Failure of a legislative body to render a decision within 60 days~~
28 ~~shall be deemed to constitute an approval of the proposed facilities.~~

29 ~~(d) Notwithstanding the provisions of subdivision (c), the~~
30 ~~governing board of the district by vote of four-fifths of its members~~
31 ~~may render a local agency's decision inapplicable to proposed~~
32 ~~facilities if the district, at a publicly noticed hearing, determines~~
33 ~~by resolution that there is no feasible alternative to the district's~~
34 ~~proposal. Prior to adopting the resolution, the district shall read~~
35 ~~into the record the local agency's resolution. The board shall,~~
36 ~~within 10 days, notify the city or county concerned of such action.~~
37 ~~If the governing board has taken such action the local agency may~~
38 ~~commence an action in the superior court of the county whose~~
39 ~~action is involved or in which is situated the city whose action is~~
40 ~~involved, seeking a review of such action of the governing board~~

1 of the district to determine whether it was supported by substantial
2 evidence. The evidence before the court shall include, but not be
3 limited to, the record of the proceedings before the city, county,
4 and local agency. The city or county shall cause a copy of the
5 complaint to be served on the board. If the court determines that
6 such action was not supported by substantial evidence, it shall
7 declare it to be of no force and effect, and the local agency's
8 decision shall be applicable to the proposed facilities.

9 (e) This section shall not apply to:

10 (1) Any facilities proposed to be located within any local agency
11 which has not adopted an ordinance setting forth criteria to govern
12 its decision pursuant to subdivision (c) of this section.

13 (2) Any electrical distribution lines of less than 100,000 volts.

14 (f) As used in this section, the term "feasible" means capable
15 of being accomplished in a successful manner within a reasonable
16 period of time, taking into account economic, environmental,
17 social, and technological factors.

18 (g) As used in this section, "local agency" means a city, a city
19 and county, or a county. Within cities this section shall not apply
20 to counties.

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22
23 **All matter omitted in this version of the bill**
24 **appears in the bill as amended in Senate,**
25 **April 30, 2009 (JR11)**
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